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JASON FOX, IAN FURMINGER, SIMON CHAN
AND CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW MARCONI,
Plaintiff,

vs.

SERGEANT JASON FOX, OFFICER
IAN FURMINGER, OFFICER SIMON
CHAN, ALL OFFICERS INDIVIDUAL
AND IN THEIR CAPACITY AS
POLICE OFFICERS FOR THE CITY
AND COUNTY OF SAN FRANCISCO,
AND THE CITY AND COUNTY OF
SAN FRANCISCO, A MUNICIPAL
CORPORATION, AND DOES 1 - 50,
Defendants.

Case No. C05-1978 CW

**ORDER GRANTING AS MODIFIED
STIPULATION MODIFYING THE
CASE MANAGEMENT ORDER TO
EXTEND TIME TO FILE
DISPOSITIVE MOTION**

Date Action Filed: April 18, 2005
Trial Date: February 12, 2007

IT IS STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

Under the Court's current case management schedule, Defendant's shall file any
dispositive motion by May 19, 2006. The deadline to complete fact discovery is August 31,
2006. The Parties have endeavored to complete discovery relevant to dispositive issues, but have
not yet been able to complete certain key depositions. Specifically, there are three third party
witnesses who may provide testimony relevant to dispositive issues who have not yet been
deposed due to difficulties in scheduling deposition convenient times. All of these witnesses live
out of town and work full time. Two of those witnesses are scheduled to be deposed next week,
and Plaintiff's counsel is still trying to locate and arrange a time for the deposition of the third

1 witness. In addition, the Parties would like to complete the depositions of two Defendant
 2 officers not yet deposed prior to the deadline for dispositive motions. Defendant Simon Chan is
 3 scheduled to be deposed next week, and Defendant Ian Furminger is schedule to be deposed on
 4 June 15, 2006.

5 The Parties have met and conferred about narrowing issues for any potential motions and
 6 believe the above referenced discovery is necessary before any agreements about narrowing
 7 issues can be reached. The Parties also believe that it would be more efficient if they could reach
 8 any such agreement before time and resources are spent briefing issues upon which the Parties
 9 may agree once this discovery is completed. Thus, the Parties stipulate to the extension of time
 10 to Defendant's to file any dispositive motion until June 23, 2006 and respectfully request that the
 11 Court order that extension. The Parties have not sought any prior extensions. The parties also
 12 stipulate to change the due date for Plaintiff's opposition brief to July 7, 2006 and the due date
 13 for Defendant's reply to July 14, 2006.

14 Dated: May 17, 2006

DENNIS J. HERRERA
 City Attorney
 JOANNE HOEPER
 Chief Trial Deputy
 ELIZABETH DEELEY
 Deputy City Attorney

19 By: /s/Elizabeth Deeley
 ELIZABETH DEELEY
 Attorneys for Defendants
 JASON FOX, IAN FURMINGER, SIMON CHAN
 AND CITY AND COUNTY OF SAN
 FRANCISCO

22 Dated: May 11, 2006

DYLAN SULLIVAN
 LISA G. SCHLITTNER

25 By: /s/Dylan Sullivan
 DYLAN SULLIVAN

Attorney for Plaintiff
 ANDREW MARCONI

1 IT IS HEREBY ORDERED

2 1. That the deadline for Defendants to file any dispositive motion shall be extended
3 to and including June 23, 2006.

4 2. Plaintiff's opposition shall be due on July 7, 2006.

5 3. Defendant's reply shall be due on July 14, 2006. **The motion will be deemed**
6 **submitted on the papers upon filing of the reply brief.**

7 /s/ CLAUDIA WILKEN

8 DATED: May 17, 2006

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CLAUDIA WILKEN

10 United States District Judge
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